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August 26, 2024

**VIA ECF**

Hon. Jennifer L. Rochon  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: *Federal Trade Commission v. Tapestry, Inc.*, No. 1:24-cv-03109-JLR: Letter Motion To Seal**

Dear Judge Rochon,

Pursuant to Rule 4(B)(iii)(c) of this Court's Individual Rules of Practice in Civil Cases and Paragraph 9 of the Stipulated Protective Order (ECF No. 70), Defendants Tapestry, Inc. ("Tapestry") and Capri Holdings Limited ("Capri") respectfully move this Court to permit Defendants to file under seal exhibits to their Motion to Exclude Dr. Loren Smith's Opinions Regarding and Relying On His Diversion Analysis ("Motion").

These exhibits contain Defendants' Confidential Material, as that term is defined in Paragraph 1(a) of the Stipulated Protective Order. Specifically, exhibits to the Motion quote and describe nonpublic Tapestry and Capri documents that contain confidential commercial and competitively sensitive information, as well as deposition testimony reflecting confidential commercial and competitively sensitive information. The disclosure of this information would harm Defendants and the information should therefore remain under seal. *See Athena Art Fin. Corp. v. Certain Artwork by Jean-Michel Basquiat Entitled Humidity, 1982*, No. 20CV04669GBDVF, 2024 WL 1195279, at \*2 (S.D.N.Y. Mar. 20, 2024) (stating that "[c]ourts in this District routinely permit parties to seal or redact commercially sensitive information in order to protect confidential business interests and financial information," and collecting cases); *W.J. Deutsch & Sons Ltd. v. Diego Zamora S.A.*, No. 1:21-CV-11003-LTS, 2022 WL 890184, at \*2 (S.D.N.Y. Mar. 25, 2022) ("courts will commonly grant a company's request for sealing of proprietary business information, such as internal analyses, business strategies, or customer negotiations when disclosure of that information could provide competitors with an unearned advantage" and thereby "harm a litigant's competitive standing in the market" (citations and internal quotation marks omitted)).

Defendants respectfully request that the Court enter an order granting this motion and sealing those exhibits accompanying the Motion that contain Confidential Material.

LATHAM & WATKINS<sup>LLP</sup>

Respectfully submitted,

/s/ Alfred C. Pfeiffer

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cc: All Counsel of Record (via ECF)

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<sup>1</sup> Electronic signatures used with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.